

Introduced by Senator DeSaulnier

February 21, 2014

An act to amend Section 11165 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 1258, as introduced, DeSaulnier. Controlled substances: reporting. Existing law classifies certain controlled substances into designated schedules. Existing law requires the Department of Justice to maintain the Controlled Substance Utilization Review and Evaluation System (CURES) for the electronic monitoring of the prescribing and dispensing of Schedule II, Schedule III, and Schedule IV controlled substances by all practitioners authorized to prescribe or dispense these controlled substances. Existing law authorizes the Department of Justice to seek and use grant funds to pay the costs incurred by the operation and maintenance of CURES and requires that the operation of CURES comply with all applicable federal and state privacy and security laws and regulations.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11165 of the Health and Safety Code is
- 2 amended to read:
- 3 11165. (a) To assist health care practitioners in their efforts
- 4 to ensure appropriate prescribing, ordering, administering,

1 furnishing, and dispensing of controlled substances, law
2 enforcement and regulatory agencies in their efforts to control the
3 diversion and resultant abuse of Schedule II, Schedule III, and
4 Schedule IV controlled substances, and for statistical analysis,
5 education, and research, the Department of Justice shall, contingent
6 upon the availability of adequate funds in the CURES Fund,
7 maintain the Controlled Substance Utilization Review and
8 Evaluation System (CURES) for the electronic monitoring of, and
9 Internet access to information regarding, the prescribing and
10 dispensing of Schedule II, Schedule III, and Schedule IV controlled
11 substances by all practitioners authorized to prescribe, order,
12 administer, furnish, or dispense these controlled substances.

13 (b) The Department of Justice may seek and use grant funds to
14 pay the costs incurred by the operation and maintenance of
15 CURES. The department shall annually report to the Legislature
16 and make available to the public the amount and source of funds
17 it receives for *the* support of CURES.

18 (c) (1) The operation of CURES shall comply with all
19 applicable federal and state privacy and security laws and
20 regulations.

21 (2) CURES shall operate under existing ~~provisions of law~~ to
22 safeguard the privacy and confidentiality of patients. Data obtained
23 from CURES shall only be provided to appropriate state, local,
24 and federal public agencies for disciplinary, civil, or criminal
25 purposes and to other agencies or entities, as determined by the
26 Department of Justice, for the purpose of educating practitioners
27 and others in lieu of disciplinary, civil, or criminal actions. Data
28 may be provided to public or private entities, as approved by the
29 Department of Justice, for educational, peer review, statistical, or
30 research purposes, provided that patient information, including
31 any information that may identify the patient, is not compromised.
32 Further, data disclosed to ~~any~~ *an* individual or agency as described
33 in this subdivision shall not be disclosed, sold, or transferred to
34 ~~any~~ *a* third party. The Department of Justice shall establish policies,
35 procedures, and regulations regarding the use, access, evaluation,
36 management, implementation, operation, storage, disclosure, and
37 security of the information within CURES, consistent with this
38 subdivision.

39 (d) For each prescription for a Schedule II, Schedule III, or
40 Schedule IV controlled substance, as defined in the controlled

1 substances schedules in federal law and regulations, specifically
2 Sections 1308.12, 1308.13, and 1308.14, respectively, of Title 21
3 of the Code of Federal Regulations, the dispensing pharmacy,
4 clinic, or other dispenser shall report the following information to
5 the Department of Justice as soon as reasonably possible, but not
6 more than seven days after the date a controlled substance is
7 dispensed, in a format specified by the Department of Justice:

8 (1) Full name, address, and, if available, telephone number of
9 the ultimate user or research subject, or contact information as
10 determined by the Secretary of the United States Department of
11 Health and Human Services, and the gender, and date of birth of
12 the ultimate user.

13 (2) The prescriber's category of licensure, license number,
14 national provider identifier (NPI) number, if applicable, the federal
15 controlled substance registration number, and the state medical
16 license number of any prescriber using the federal controlled
17 substance registration number of a government-exempt facility.

18 (3) Pharmacy prescription number, license number, NPI number,
19 and federal controlled substance registration number.

20 (4) National Drug Code (NDC) number of the controlled
21 substance dispensed.

22 (5) Quantity of the controlled substance dispensed.

23 (6) International Statistical Classification of Diseases, 9th
24 revision (ICD-9) or 10th revision (ICD-10) Code, if available.

25 (7) Number of refills ordered.

26 (8) Whether the drug was dispensed as a refill of a prescription
27 or as a first-time request.

28 (9) Date of origin of the prescription.

29 (10) Date of dispensing of the prescription.

30 (e) The Department of Justice may invite stakeholders to assist,
31 advise, and make recommendations on the establishment of rules
32 and regulations necessary to ensure the proper administration and
33 enforcement of the CURES database. All prescriber and dispenser
34 invitees shall be licensed by one of the boards or committees
35 identified in subdivision (d) of Section 208 of the Business and
36 Professions Code, in active practice in California, and a regular
37 user of CURES.

38 (f) The Department of Justice shall, prior to upgrading CURES,
39 consult with prescribers licensed by one of the boards or
40 committees identified in subdivision (d) of Section 208 of the

1 Business and Professions Code, one or more of the boards or
2 committees identified in subdivision (d) of Section 208 of the
3 Business and Professions Code, and any other stakeholder
4 identified by the department, for the purpose of identifying
5 desirable capabilities and upgrades to the CURES Prescription
6 Drug Monitoring Program (PDMP).

7 (g) The Department of Justice may establish a process to educate
8 authorized subscribers of the CURES PDMP on how to access and
9 use the CURES PDMP.

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